



**COPY**

STATE OF TENNESSEE  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

Office of General Counsel  
25th Floor, William R. Snodgrass Building  
312 Eighth Avenue, North  
Nashville, Tennessee 37243-1548  
Telephone: (615) 532-0131

**RECEIVED**

**AUG 24 2007**

Natural Resources

August 22, 2007

CERTIFIED MAIL RETURN RECEIPT REQUESTED  
7003 0500 0002 4407 5063

Ms. Synthia Foree  
Chief Manager  
Terra Technologies, LLC  
1024 Lakeside Court  
Kingston Springs, TN 37082

RE: Terra Technologies, LLC ("Terra Tech")  
WQC Case No. 07-040D  
OGC Case No. 07-0307  
Agreed Order Approved Entered in Administrative Procedures Division

Dear Ms. Foree:

Enclosed you will find a copy of the Agreed Order that was approved by the Tennessee Water Quality Control Board and entered in the Administrative Procedures Division of the Secretary of State's Office on August 22, 2007. Payment of the four thousand dollars (\$4,000.00) should be remitted to this office by September 22, 2007.

If there are questions in this matter, please do not hesitate to contact me.

Very truly yours,

Max A. Fleischer  
(615)532-0126

cc: Hugh Hannah ✓  
Division of Water Quality Control

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2007 AUG 22 PM 3:14  
SECRETARY OF STATE

BEFORE THE STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

IN THE MATTER OF:	)	DIVISION OF WATER
	)	POLLUTION CONTROL
	)	
	)	WPC CASE NO. 07-040D
TERRA TECHNOLOGIES, LLC	)	OGC CASE NO. 07-0307
	)	
RESPONDENT	)	DOCKET NO. _____

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AGREED ORDER

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Upon consent of the parties, this matter came before the Tennessee Water Quality Control Board. After consideration of the Director's Order, the Respondent's Petition for Review and the agreement of the parties, the Board made the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACTS**

1. The facts set out in paragraphs I through X of the Director's Order that was issued in this case on March 16, 2007 as to parties, jurisdiction, and factual basis for finding rule violations are admitted by Respondent. These paragraphs are adopted by the Board and incorporated herein by reference.

**CONCLUSIONS OF LAW AND OTHER STIPULATIONS**

1. For Conclusions of Law, Sections XI through XII of the Director's Order that was issued on March 16, 2007 are accepted by the parties as accurate citations to the appropriate Tennessee statutes and administrative rules. A finding of violation of the cited statutes and administrative rules is a necessary conclusion from the admitted facts above. Sections XI through XII are therefore adopted and incorporated into this Agreed Order by reference.

2. Respondents have filed a Petition for Review of the Director's Order that was issued on March 16, 2007. It is agreed by the parties and jointly recommended for approval of the Board that this matter should be resolved by the provisions of this Agreed Order including the Respondent's payment of FOUR THOUSAND DOLLARS (\$4,000.00) which should be remitted to the Department within thirty (30) days of the entry of this Agreed Order in the Administrative Procedures Division of the Secretary of State's Office ("APD").

### **ORDER**

**WHEREFORE, PREMISES CONSIDERED** the Water Quality Control Board hereby ORDERS that:

- (1) The Respondent shall immediately comply and henceforth maintain compliance with the Water Quality Control Act and the rules promulgated thereunder.
- (2) The Respondent shall hereafter comply with the Tennessee Water Quality Control Act and all Division rules.
- (3) The Respondent is hereby assessed a CIVIL PENALTY of FOUR THOUSAND DOLLARS (\$4, 000.00) which shall be remitted within thirty (30) days of the entry of this Agreed Order in the APD. Payments shall be made payable to the "Treasurer, State of Tennessee" and should be mailed to Max A. Fleischer, Office of General Counsel, Tennessee Department of Environment and Conservation, 20<sup>th</sup> Floor , 401 Church Street, Nashville, Tennessee 37243.
- (4) By entering into this Agreed Order, the Respondent has knowingly waived its right to a contested case hearing before the Board in this matter and has knowingly waived the rights set out in the Rights of Appeal section of this Agreed Order.

## REASONS FOR DECISIONS

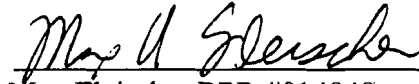
The above Findings of Facts and Conclusions of Law and the Orders were made in an effort to provide a reasonable process to be followed to address this issues in this matter. The Board encourages settling cases in the interest of avoiding the time and expense of prolonged litigation.

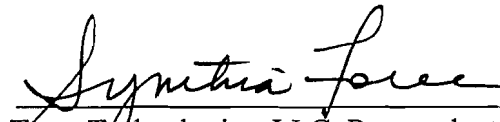
Adopted and approved by a majority of the Board, a quorum being present, on this 21st day of August, 2007.

### **FOR THE WATER POLLUTION CONTROL BOARD:**

  
Chairman

### **APPROVED FOR ENTRY:**

  
Max Fleischer BPR #014848  
Assistant General Counsel  
Tennessee Department of Environment and Conservation  
20<sup>th</sup> Floor, L & C Tower, 401 Church Street  
Nashville, Tennessee 37243

  
for  
Terra Technologies, LLC, Respondent  
1024 Lakeside Court  
Kingston Springs, Tennessee 37082

## **RIGHTS OF APPEAL**

The Respondent is hereby notified and advised of its right to administrative and judicial review of this FINAL ORDER, pursuant to the Tennessee Uniform Administrative Procedures Act, Tenn. Code Ann §§ 4-5-316, 4-5-317 and 4-5-222 and the Water Quality Control Act, Tenn. Code Ann. § 69-2-111.

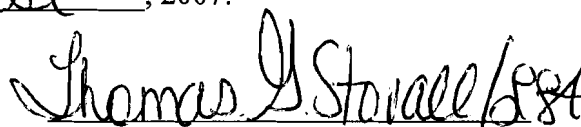
Tenn. Code Ann. § 4-5-316 gives a party the right to submit to the Board a Petition for a Stay of Effectiveness of a FINAL ORDER within seven (7) days after its entry.

Tenn. Code Ann. § 4-5-317 gives any party the right to file a Petition for Reconsideration within ten (10) days after the entry of a FINAL ORDER, stating specific grounds upon which relief is requested.

Tenn. Code Ann. §§ 4-5-322 and 69-212-113 provide any party the right of judicial review by filing a Petition in the Chancery Court of Davidson County or in the Chancery Court in which the violation of the Act occurred within sixty (60) days of this ORDER becoming effective. A copy of this FINAL ORDER shall be served upon the Respondent by certified mail, return receipt requested. This FINAL ORDER shall become effective upon entry.

## **ENTRY OF ORDER**

Entered in the Administrative Procedures Division, Office of the Secretary of State, on this 22nd day of August, 2007.

  
Thomas G. Stovall  
Administrative Procedures Division  
Office of the Secretary of State

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of this document has been served upon counsel for all interested parties by delivering same to their offices or by placing a true and correct copy of same in the United States mail, or carrier service, postage prepaid.

This 26<sup>th</sup> day of August, 2007.



Max Fleischer BPR #014848  
Assistant General Counsel  
Department of Environment and Conservation  
L&C Tower, 20<sup>th</sup> Floor  
401 Church Street  
Nashville, Tennessee 37243